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FEDERAL COMMUNICATIONS COMMISSION
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November 5, 1992

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Federal Communications Commission
Office of the Secretary

Donna R. Searcy, Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

RE: Revision of Part 22
CC Docket No. 92-115

Dear Ms. Searcy:

Transmitted herewith on behalf of Pac-West Telecomm, Inc., and Pageprompt U.S.A. is an original and four (4) copies of its Joint Reply Comments in the above-captioned Docket.

Please contact this law firm if you have any questions with respect to this matter.

Respectfully submitted,

William J. Franklin

William J. Franklin
Attorney for SMR Systems, Inc.

Encls.

WJF/alk

cc: Pac-West Telecomm, Inc.
Pageprompt U.S.A.
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Revision of Part 22 of) CC Docket No. 92-115
the Commission's Rules)
Governing the Public)
Mobile Services)

To: The Commission

JOINT REPLY COMMENTS OF
PAC-WEST TELECOMM, INC.
AND
PAGEPROMPT U.S.A.

Pac-West Telecomm, Inc. ("Pac-West") and PagePrompt U.S.A. ("PagePrompt"), by their attorneys and pursuant to Section 1.415(c) of the Commission's Rules, hereby file Joint Reply Comments with respect to the Notice of Proposed Rule Making adopted in the above-captioned proceeding.^{1/}

**All Parties Support Substantial Revision To,
Or Deletion of, Proposed Section 22.507**

In their Joint Comments, Pac-West and PagePrompt suggested that the Commission's proposed Section 22.507(a)^{2/} does not

^{1/} Revision of Part 22, 7 FCC Rcd 3658 (1992) (Notice of Proposed Rule Making) ("NPRM").

^{2/} Proposed Section 22.507(a) reads as follows:

(a) Unless otherwise allowed in this subpart, each station must comprise at least one separate and dedicated transmitter, providing service to the public, for each transmitting channel at each location where that channel is assigned for use by that station.

NPRM, supra, 7 FCC Rcd at 3707. Pac-West and PagePrompt suggested a modification to this proposal which permit their existing
(continued...)

serve the public interest. Pac-West and PagePrompt instead demonstrated by example that the public interest is well-served by the existing practices of numerous carriers who use multi-frequency transmitters to provide a variety of communications services across the country. Indeed, based on the NPRM's explanation of proposed Section 22.507, it is unlikely that the Commission intended to cause the potentially wholesale disruption in the paging industry which would result if Section 22.507 were adopted as proposed.

Virtually every other party to this proceeding who addressed Section 22.507(a) agreed with Pac-West and PagePrompt.^{3/} Indeed, most of them suggested that the Commission should not adopt Section 22.507(a) in any form.

The other commenting parties provide four principal justifications for their position:

^{2/}(...continued)
uses of multi-frequency transmitters to continue. The other parties to this proceeding have described other uses which also serve the public interest. Pac-West and PagePrompt did not intend that their comments foreclose any other such uses.

^{3/} See Comments of BellSouth Corporation ("BellSouth") at 21-22; Comments of McCaw Cellular Communications, Inc. ("McCaw") at 29-32; Comments of Metrocall of Delaware, Inc. ("Metrocall") at 24-28; Comments of Page America Group, Inc. at 7; Comments of Paging Network, Inc. ("PageNet") at 21-25; Comments of SkyTel Corporation ("SkyTel") at 2-3; Comments of the Chief Counsel of the United States Small Business Administration at 19-20; Comments of SMR Systems, Inc. ("SMR Systems") at 7-8; Comments of SNET Paging, Inc. ("SNET") at 2-6; Comments of Southwestern Bell Corporation ("Southwestern Bell") at 23-25; Comments of Telocator at 34-38; and Comments of U.S. West New Vector Group, Inc. ("U.S. West") at 29-30. Additionally, International Mobile Machines opposed Section 22.507 in the context of Basic Exchange Telecommunications Radio Service (BETRS).

- Multi-frequency transmitters facilitate the introduction and offering of new communications services.^{4/}
- Multi-frequency transmitters increase system efficiencies and geographic coverage.^{5/}
- Multi-frequency transmitters promote spectrum efficiency.^{6/}
- The Commission's proposed prohibition against multi-frequency transmitters would not serve as a deterrent to channel warehousing.^{7/}

Based on their experiences in the paging industry, Pac-West and PagePrompt agree with these analyses.

Typical among these comments is PageNet's explanation of the benefits it receives from operating multi-frequency (or what PageNet calls "frequency-agile") transmitters:

Frequency-agile transmitters are an efficient means to accommodate growth. The requirement that additional transmitters be built for additional frequencies does nothing more than increase the cost of service to the end user, and hold back technology that would have a public benefit.

One concrete advantage that frequency-agile transmitters provide is that regional, local, and nationwide service to the public can be more easily implemented by a carrier whose loading on a combined basis is less than one hundred percent. The following example is illustrative of this situation. In the Northeast, PageNet offers subscribers local service in New York, Boston, and Washington/Baltimore. Further, users can subscribe to any combination of these

^{4/} See, e.g., BellSouth at 21-22; McCaw at 29-31; MetroCall at 25-26; PageNet at 23-25; SkyTel at 2; U.S. Small Business Administration at 19-20; SMR Systems at 7-8; SNET at 5-6; Southwestern Bell at 24 & n.19; Telocator at 35.

^{5/} See, e.g., Metrocall at 24-25; PageNet at 23-25; Telocator at 35-36; U.S. West at 29.

^{6/} See, e.g., PageNet at 21-25; SNET at 3-4; Telocator at 36 n.38.

^{7/} See, e.g., McCaw at 29-30; Metrocall at 27; U.S. Small Business Administration at 20; SNET at 4-5; Telocator at 37-38.

markets on a regional basis. Although the capacity for the Boston local service can be satisfied on one frequency, PageNet must use two frequencies in Boston to satisfy the large number of New York subscribers who desire regional coverage. * * * By using a single, frequency-agile transmitter, PageNet reduces costs that would otherwise be passed on to end users.^{1/}

PageNet's multi-frequency operations thus provide many of the same public benefits to its subscribers as do Pac-West's and PagePrompt's operations to their respective subscribers.

**Pac-West and PagePrompt Support Proposed Refinements
To The "Minor Change" Rules for 931 MHz Stations**

SNET proposed (Comments at 6-8,10) exemptions from the Commission's proposed "minor change" rules for paging transmitters in which the proposed interference contour of a new paging transmitter would be within the composite interference contours of the licensee's previously authorized co-channel stations.^{2/} Telocator proposed (Comments at 43-44) that the Commission should allow minor relocations in 931 MHz paging transmitters.

As experienced paging system operators with 931 MHz networks, Pac-West and PagePrompt recognize the merit in both of these proposals. Because of the fixed service-contour distances at 931 MHz, the licensee of a 931 MHz paging system has far less flexibility, in terms of station location and relocation, than

^{1/} PageNet at 23-24.

^{2/} The Commission should also clarify that increased service or interference contours solely in the Atlantic or Pacific Oceans or in the Gulf of Mexico (and not adding new contours over populated islands in those bodies of water) do not result in an otherwise acceptable minor change becoming major.

its competitors using other frequency bands. This inflexibility results in an increasing Commission workload to process Form 401 major-change applications and a substantial delay in bringing additional services and coverage to the public.

In short, the current inflexibility in 931 MHz licensing does not serve the public interest. The Telocator and SNET proposals propose changes to the Commission's rules which alleviate problems with 931 MHz licensing while respecting the Commission's overall scheme of 931 MHz frequency allocations. Those proposals should be adopted.

CONCLUSION

Accordingly, as set forth herein and in their Joint Comments, Pac-West Telecomm, Inc. and PagePrompt U.S.A. respectfully request that the Commission either reject proposed Section 22.507(a) or else adopt it only with a modification that permits independent licensees to share in the use of a multi-frequency transmitter. The record here conclusively demonstrates that proposed Section 22.507 does not serve the public interest.

Further, the Commission should give 931 MHz licensees additional flexibility to locate and relate their facilities.

Respectfully submitted,

PAC-WEST TELECOMM, INC.
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